

TOWNSHIP OF WALL
RESOLUTION NO. 22-0317

**AUTHORIZATION TO AMEND AND EXTEND THE TOWNSHIP'S
AUTHORIZATION TO ALLOW TEMPORARY OUTDOOR DINING AND
OUTDOOR SALE OF GOODS THROUGH AND UNTIL NOVEMBER 30, 2022**

WHEREAS, a worldwide pandemic has occurred involving the coronavirus more commonly known as COVID-19; and

WHEREAS, on March 9, 2020, pursuant to Executive Order No. 103, the Governor of the State of New Jersey declared a State of Emergency pursuant to N.J.S.A. App. A.:9-33 et seq. and a Public Health Emergency pursuant to N.J.S.A. 26:13-1 et seq. due to COVID-19; and

WHEREAS, on March 16, 2020, pursuant to Executive Order No. 104, the Governor of the State of New Jersey set forth numerous restrictions encouraging the practice of social distancing so as to help minimize and slow the spread of COVID-19; and

WHEREAS, on March 21, 2020, pursuant to Executive Order No. 107, the Governor of the State of New Jersey, among other things, ordered the closure of non-essential businesses and encouraged businesses remaining open to establish rules permitting employees to work from home; and

WHEREAS, on February 2, 2021, Governor Murphy signed Bill S3340, which sets forth a framework for municipalities to allow restaurants, bars, distilleries and breweries to utilize outdoor spaces or public sidewalks as extensions of their business premises through November 30, 2022, or the date at which indoor dining returns to full capacity at restaurants, whichever is later.

WHEREAS, this pandemic has presented unprecedented conditions that have caused countries throughout the world to shut down their economies, resulting in the worst economic contraction in nearly a century; and

WHEREAS, the economy in Wall has been similarly impacted, and it has caused great hardship and uncertainty to the businesses of Wall; and

WHEREAS, in consideration of the above, the Township Committee of the Township of Wall has determined it in the best interests of Wall, its businesses, residents and visitors to implement thoughtful and meaningful policies and programs to assist the business community in Wall; and

WHEREAS, helping local businesses to begin to recover from the adverse effects of COVID-19 at this difficult time supports the Township Committee's long-standing goal of fostering a robust and growing economy that enables entrepreneurship, employment opportunities, offers valuable products and services, maintains a healthy ratable base, and sustains property values; and

WHEREAS, the provisions set forth in Chapter 140-164(A)(3) pertaining to nonresidential outdoor displays and sales, is sufficient and proper in a typical business atmosphere, but present a potential impediment to recovery efforts from the effects of COVID-19 on the economy and the community at large; and

WHEREAS, granting the Land Use Officer the authority to grant temporary permits superseding certain provisions of the Ordinances without formal site plan review can help assist business recovery; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Wall, in the County of Monmouth, in the State of New Jersey, as follows:

1. The Land Use Officer is hereby authorized to issue temporary permits, pursuant to the regulations set forth in Bill S3340, to applicants seeking to operate Temporary Outdoor Dining Areas and Temporary Outdoor Retail Areas as defined below:

Temporary Outdoor Dining Area (TODA)

A designated area on the premises of an approved and legally operating retail food establishment or restaurant, but outside the principal building, where patrons may sit at tables while consuming food and beverages.

Temporary Outdoor Retail Area (TORA)

A designated area on the premises of an approved and legally operating retail establishment, but outside the principal building, where patrons may purchase goods normally sold inside the establishment.

2. Any TODA shall comply with the following:
 - a. No TODA shall be permitted within a required setback or buffer area.
 - b. No TODA shall be permitted within 100 feet of a residential zone or use, unless there is an intervening non-residential development separating the TODA from the residential zone or use. An intervening non-residential development shall be an existing permanent building or an existing established buffer area on the property occupied by the TODA which was previously granted through site plan approval.
 - c. No structure requiring building or plumbing permits shall be permitted within a TODA or TODA access area.
 - d. No raw bars, bars serving alcoholic beverages, games, or outdoor cooking shall be permitted.
 - e. No drive aisles, handicapped parking spaces, or fire lanes shall be obstructed.
 - f. A minimum three-foot wide unobstructed pedestrian passage to a height of eight feet above the ground shall be maintained for any TODA occupying a pedestrian sidewalk.
 - g. Every TODA and its access shall be completely protected on all sides by vehicle safety bollards spaced at a minimum distance of three feet and a maximum distance of five feet. All bollards shall be located on the premises and shall not adversely impact vehicular or pedestrian traffic.
 - h. TODAs within parking spaces shall be prohibited in parking lots shared with any other business or use.
 - i. The parking space to table ratio that exists during normal operation shall be maintained.
 - ii. No outdoor entertainment or sound amplification system shall be permitted.
 - i. Alcohol shall only be permitted as granted by the New Jersey Division of Alcohol and Beverage Control and if permitted within a TODA must be served only with a meal to seated patrons at tables only.
 - j. Current Township standards for lighting shall be enforced.
 - k. No additional dumpsters shall be permitted.
 - l. Hours of operation for TODAs shall be in compliance with Bill S3340. An additional half an hour for cleanup shall be permitted after the foregoing hours of operation.

- m. Written approval must be granted by the Bureau of Fire Prevention, Wall Township Police Department, and Freehold Area Health Department prior to the issuance of any zoning permit.
3. No TODA or TORA shall be considered impervious coverage.
 4. Any TORA shall comply with section 140-164(A)(3) except that there shall be no limit on the number or frequency of temporary sales, and the hours of operation for TODAs shall be in compliance with Bill S3340. An additional half an hour for cleanup shall be permitted after the foregoing hours of operation.
 5. All applicants for a TODA or TORA shall submit a completed zoning permit application on a form prepared by the Land Use Officer.
 6. The fee for a TODA or TORA zoning permit shall be \$40.
 7. Any TODA or TORA shall comply with all local ordinances not superseded by this resolution

BE IT FURTHER RESOLVED, that this resolution shall not supersede any State or Federal law.

BE IT FURTHER RESOLVED, that this resolution shall expire on November 30, 2022 and all TODA or TORAs and all associated site work must be removed by said date unless otherwise determined by the Township Committee of Wall.

BE IT FURTHER RESOLVED, that all Township officials including, but not limited to the Mayor, the Township Administrator and the Municipal Clerk, are hereby authorized and directed to take such ministerial actions as are necessary to effectuate the provisions of this resolution.

I, Roberta M. Lang, Municipal Clerk of the Township of Wall in the County of Monmouth and the State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Mayor and Committee of the Township of Wall in the County of Monmouth in the State of New Jersey at a meeting held on March 23, 2022.



Roberta M. Lang, RMC
Municipal Clerk